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IAN F. BURNS & ASSOCIATES P.O. BOX 71115 RENO, NV 89570			EXAMINER SHAH, MILAP	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/663,121

Applicant(s)

SEELIG ET AL.

Examiner

Milap Shah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 12-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 44-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-51 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/15/03, 12/24/03, 2/5/04, 4/12/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

During a telephone conversation with Mr. Burns on March 14, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-10 & 44-51.

Affirmation, on the record, of this election must be made by Applicant in replying to this Office action. Claims 11-43 are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The election without traverse was made from the following inventions:

Group I: claims 1-10 & 44-51 drawn to the structural composition or make up of a reel device having an illumination means, classified in class 273, subclass 143R.

Group II: claims 11-23 drawn to a method for awarding prizes using a gaming device, classified in class 463, subclass 16.

Group III: claims 24-37 drawn to the components of a gaming device including a backlit display, with emphasis on the visual display of the output, classified in class 463, subclass 30.

Group IV: claims 38-43 drawn to the structural make up of a display or monitor housing, such as the support and frame means, classified in class 463, subclass 46.

Inventions of Group I & II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention of Group I relates to a mechanical or structural make up of a reel system, which may be capable of being used separately from the method of Group II. Group II's method can also be used separately without the specific reel claimed in Group I.

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Inventions of Group I & III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention of Group I is capable of being used separately from the specific gaming device of Group III. Group III's gaming device is also separately useable without the specific reel device of Group I.

Inventions of Groups I & IV are unrelated as claimed. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group I is a reel device for use in a gaming system, where Group IV appears to be the housing of a display device, such as a monitor or a liquid crystal display, even though both do include illumination means, Group IV is considered to have no relation to a gaming device, system, or environment and appears to be an invention that can stand alone in many arts, such as the computer monitor art where the "player" is a computer game player.

Inventions of Group II & III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention of Group II is a method for awarding prizes on a gaming device, however the gaming device does not have to be the gaming device as claimed in Group III. Group III's gaming device is useable separately without the method of awarding prizes on a gaming device of Group II.

Inventions of Groups II & IV are unrelated as claimed. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, Group II is a method

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of awarding games on a gaming device and Group IV is the housing for a display means, as described above, which are unrelated inventions.

Inventions of Group III & IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, even though the invention of Group IV is not considered to be related to the gaming art, it could be the housing for a display means that is incorporated within Group III's gaming device, however, it is not necessary and each of these inventions could be useable separately, such as Group III's gaming device can use a different housing for the display means, and Group IV's housing can be used on a different gaming device.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### *Drawings*

The drawings are objected to because figures 5A-5E have references such as “to 1A” and additional inconsistencies throughout using references to figures 1A-1E, however there are no figures labeled 1A-1E. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

Claims 1-11 objected to because of the following informalities: The Examiner requests the Applicant to review “light-emitting” and “light emitting” phrases throughout claims 1-11 and for the sake of consistency, revise each to be the same, either with or without the “-” mark, as both are acceptable. Appropriate correction is required.

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***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 48 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 48 recites "...configured to transmit light from the outer surface to the inner surface..." which is unclear, since it was the Examiners understanding that the light board transmitting light is positioned inside the reel structure, thus the light cannot transmit from the outer surface to the inner surface, but rather the opposite, from the inner surface to the outer surface. The Examiner requests the Applicant to clarify. For examination purposes, the Examiner is interpreting the claim to mean that the lights are positioned under the reel trip or media and light transmits on the inner surface first, then through the media to the outer surface to illuminate a reel position.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 44, 45, & 48-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Sunaga et al. (U.S. Patent No. 6,206,781).

**Claims 1, 44 & 45:** Sunaga et al. disclose the same invention including a reel device comprising:

a) a chassis (figure 8[reel unit 20]);

- b) an actuator attached to the chassis (figure 8[motor 29]);
- c) a reel structure rotatably attached to the chassis, having a hub (not identified by number on figure 8, however it is considered the portion in the center of reel drum 25 which has spokes attached to it and the outer periphery defining the frame) and a frame (figure 8[outer edge of reel drum 25]) defining a periphery of the reel structure, the periphery of the reel structure having media (figure 8[reel strip 26]) adapted to display a symbol to a game player (column 7, lines 42-43);
- d) a board attached to the chassis (figure 8[light case 27]); and
- e) a plurality of light emitting diodes positioned on the board, wherein the plurality of light emitting diodes is adapted to transmit light to at least a portion of the media (figure 8[reel lights 28] and column 7, lines 54-56);

With regards to claim 44, the reel as disclosed above is rotatable, the media is attached to the reel, and an actuator (i.e. the motor) is coupled to the reel to rotate the reel. Additionally, Sunaga et al. discloses a controller in communication with the actuator and reel structure (figure 6[motor driver 60]) to control operation of the reel structure based on a random game outcome, and at least one light in communication with the above to light up at least a portion of the media once the reels stop at the random outcome (column 2, lines 45-57).

**Claim 2:** As discussed above in part c of claim 1, Sunaga et al. clearly show spokes attached from the hub portion of the reel drum to the frame portion of the reel drum (figure 8);

**Claim 48:** The light board is located underneath the reel strip, such that the light is transmitted to the inner surface of the reel strip or media, which in turn transmits the light to the outer surface for illuminating a reel position.

**Claim 49:** Sunaga et al. disclose the reel rotates about the light structure (abstract).

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**Claims 50 & 51:** Sunaga et al. disclose the reel strip 26 or media is disposed about the circumference or frame of the reel. Sunaga et al. also discloses the reel strip comprises a plurality of indicia or symbols (column 7, lines 39-46).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 6, 9, 46, & 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunaga et al., as applied to claims 1, 2, 44, 45, & 48-51, where applicable, in view of Haruta (Japanese Patent No. 2001-353255) (attached is a machine translation of the abstract & detailed description to English).

**Claim 3:** Sunaga et al. disclose the invention substantially as claimed except for the plurality of diodes are more densely spaced in one portion of the board than another portion of the board. However, at the time the invention was made, it would have been an obvious matter of design choice to select a specific pattern or matrix of diodes to use on the board. Haruta teaches that the matrix of diodes is a design choice and can be any number, such as 5x5 or 9x9, selected by the requirements of the application or the designer. Thus, it is a mere design choice to have diodes more densely located in one portion, such as the center, then other portions such as the outer edges of the board, in order to provide emphasis on a particular pay line or symbol position, such that in Sunaga et al's reel structure, the three compartments

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are modifiable in view of Haruta's teachings to house, for example, a 9x9 array in the center, but a 5x5 array in the outer compartments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to design or modify Sunaga et al's reel device to include a more dense number of diodes in one portion of the light board versus another portion, for example, center having more then the outer portions, in order to provide emphasis on certain symbol positions versus other symbol positions.

**Claims 5, 6, & 9:** Sunaga et al. disclose the invention substantially as claimed except for:

- a) the plurality of light emitting diodes may be illuminated individually;
- b) the plurality of light emitting diodes may form illuminated numbers, characters, symbols, or letters; and
- c) a controller in communication with the light emitting diodes, wherein the controller selectively illuminates the light emitting diodes.

However, Haruta discloses a controller in communication with the plurality of light emitting diodes, such that the diodes can be illuminated individually for the purpose of forming an illuminated character, thus, all three limitations are disclosed by Haruta (see English translation paragraphs 0017-0021, & 0030; and figures 6, 19, 21, & 24-32 including related descriptions thereof). Haruta discloses that conventional slot machines only have a limited number of different effects, and such modifications increase the number of effects possible on a conventional slot machine by using a dot matrix arrangement of light emitting diodes mixed in with a reel trip having conventional symbols in order to enhance the game or show a winning state in an effective way (see English abstract), in turn increasing player excitement, retention, and gaming revenues. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify Sunaga et al. with a plurality of light

emitting diodes in each compartment that are individually selectable via a driver circuit or controller in order to enhance the game or show a winning state in an effective way, in turn increasing player excitement, retention, and gaming revenues.

**Claims 46 & 47:** Sunaga et al. disclose the invention substantially as claimed except for explicitly disclosing that the reel strip is partially transparent and partially translucent.

However, Haruta explicitly discloses various portions of the reel strip being translucent and other portions being transparent. The reel strip used in Haruta's reel device includes a plurality of symbol positions which are translucent color ink and a plurality of blank locations, which are transparent locations, such that the matrix of light emitting diodes are shown through the blank locations to create illuminated characters or symbols, without use of the reel strip indicia (paragraphs 0017-0019; figures 4, 5, & 24-32; and the related descriptions thereof).

Claims 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunaga et al., as applied to claims 1, 2, 44, 45, & 48-51, where applicable, in view of Ikeda et al. (Japanese Patent No. 2001-087458) (attached is a machine translation of the abstract & detailed description to English).

**Claim 4:** Sunaga et al. disclose the invention substantially as claimed except for a portion of the plurality of light emitting diodes emit a different color than another portion of the plurality of light emitting diodes. However, Ikeda et al. disclose a game machine in which the reel device displays the symbols in 3 different colors depending on how much of the winning combination has been hit, such that when 1 of 5 is obtained, the center is red, when 3 of 5 is obtained, the center is red and the outer parts are green, and when 5 of 5 are obtained, all the diodes are blue (see English abstract). One would be motivated to add color

indicators for the purpose of players easily recognizing if they've won no award, a small award, or a big award (i.e. a jackpot) just by looking at which color the symbols are highlighted with. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sunaga et al. with light emitting diodes of different colors as taught by Ikeda et al. in order to allow players to easily recognize when they've won a big jackpot versus winning nothing or small awards.

Claims 7 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunaga et al., as applied to claims 1, 2, 44, 45, & 48-51, where applicable.

**Claims 7 & 8:** Sunaga et al. disclose the invention substantially as claimed except for specifically disclosing the chemical make up or physical type of light emitting diode that is used in the reel structure, such as indium gallium arsenide, gallium nitride, or organic as in claims 7 & 8. However, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to select the type of light emitting diode that was available, cheap, or any other justification required by the designer to select a specific type of light emitting diode. The Applicant also suggests that the type of diode used is a mere design consideration, as discussed in Applicant's specification (paragraph 00045 of the patent application publication). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use either of the three types of light emitting diodes discussed above in the reel device disclosed by Sunaga et al. because the type of diode selected does not appear to effect the operation of Sunaga et al.'s reel device in a negative manner, such that the reel device would perform equally well with any of the three types of diodes used.

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Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sunaga et al. in view of Haruta, as applied to claims 3, 5, 6, 9, 46, & 47, where applicable.

**Claim 10:** As discussed above, it was determined that the type of light emitting diode is a mere design consideration, incorporating the same explanation for claim 10 results in a light emitting diode having more than one wavelength, since a particular type of light emitting diode discussed above is an organic diode, which one of ordinary skill in the art knows has multiple wavelengths; and furthermore because of the availability of multiple wavelengths, it would be obvious to utilize the multiple wavelengths using the microprocessor as the microprocessor controls all electronics within the reel-device. Therefore, it would have been obvious to one of ordinary skill in the art to modify Sunaga et al. with well known organic diodes having multiple wavelengths and using the available processor/controller to select a wavelength to be used in order to enhance the game or show a winning state in an effective way with multiple colors, in turn increasing player excitement, retention, and gaming revenues.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

<u>Name</u>	<u>Reference</u>	<u>Applicability</u>
Yamamoto	U.S. Patent No. 4,621,815	Reel assembly for slot machines.
Heidel et al.	U.S. Patent No. 5,209,477	Slot machine reel mounting assembly.
Howard	U.S. Patent No. 5,284,344	Gaming machine reel support structure.
Sato et al.	U.S. Patent No. 6,811,273	Illumination unit for reels of a slot machine.
Yamaguchi et al.	JP Patent No. 2001-062032	Display of light transmissive characters in a slot machine.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.B.S.



**CORBETT B. COBURN  
PRIMARY EXAMINER**